

**THE TENNESSEE REGULATORY AUTHORITY**

**AT NASHVILLE, TENNESSEE  
DECEMBER 28, 2001**

**IN RE:**

**GANNETT SATELLITE  
INFORMATION NETWORK, INC. d/b/a  
THE TENNESSEAN**

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**DOCKET NO. 01-00876**

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**ORDER APPROVING SETTLEMENT AGREEMENT**

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This matter came before the Tennessee Regulatory Authority ("Authority" or "TRA") at a regularly scheduled Authority Conference held on November 6, 2001, for consideration of a proposed Settlement Agreement between the Consumer Services Division of the TRA (the "CSD") and Gannett Satellite Information Network, Inc. d/b/a THE TENNESSEAN ("The TENNESSEAN") for violations of the Tennessee Do-Not-Call Telephone Sales Solicitation statutes, Tenn. Code Ann. § 65-4-401 *et seq.* The proposed Settlement Agreement is attached hereto as Exhibit A.

Tenn. Code Ann. § 65-4-404 and Tenn. Comp. R. & Regs. 1220-4-11-.07(1) prohibit persons and entities from knowingly making or causing to be made telephone sales solicitation calls to any residential subscribers in this state who have given timely and proper notice to the Authority of their objection to receiving telephone solicitations. Tenn. Code Ann. § 65-4-405(f) authorizes the Authority to initiate proceedings relative to violations of the Do-Not-Call statutes and the TRA rules and regulations (Tenn. Comp. R. & Regs. 1220-4-11-.01 *et seq.*) promulgated pursuant to the Do-Not-Call statutes. "Such proceedings may include without limitation proceedings to issue a cease and desist

order, to issue an order imposing a civil penalty up to a maximum of two thousand dollars (\$2,000) for each knowing violation and to seek additional relief in any court of competent jurisdiction.” Tenn. Code Ann. § 65-4-405(f).

The TENNESSEAN has been registered with the TRA as a telephone solicitor since May 16, 2000 and obtains a monthly copy of the Do-Not-Call Register. On September 7, 2001, the CSD received one (1) complaint against The TENNESSEAN from a Tennessee consumer whose residential telephone number was properly and timely registered on the Tennessee Do-Not-Call Register. The CSD provided The TENNESSEAN with notice of this complaint on September 10, 2001.

Under the proposed Settlement Agreement, negotiated as the result of the CSD’s investigation into the above-mentioned complaint, The TENNESSEAN agrees to pay the TRA the sum of two thousand dollars (\$2,000), the maximum civil penalty contemplated for a single violation under Tenn. Code Ann. § 65-4-405(f). As part of this Settlement Agreement, The TENNESSEAN agrees to comply with all provisions of the Tennessee Do-Not-Call Sales Solicitation law and regulations.

A company representative attended the Authority Conference on November 6, 2001. Following a review of the Settlement Agreement, the Directors voted unanimously to accept and approve the Settlement Agreement.

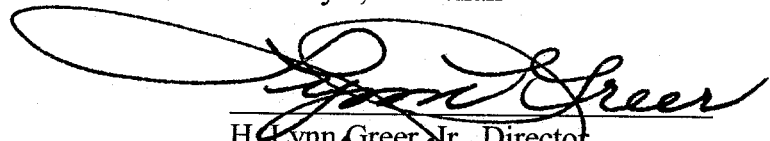
**IT IS THEREFORE ORDERED THAT:**

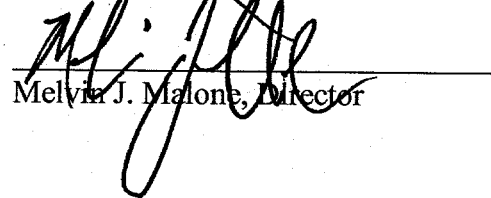
1. The Settlement Agreement, attached hereto as Exhibit A, is accepted and approved and is incorporated into this Order as if fully rewritten herein.
2. The amount of two thousand dollars (\$2,000) shall be paid by The TENNESSEAN into the Public Utilities Account of the TRA in compliance with the

terms of the Settlement Agreement.

3. Upon payment of the amount of two thousand dollars (\$2,000), The TENNESSEAN is excused from further proceedings in this matter, provided that, in the event of any failure on the part of The TENNESSEAN to comply with the terms and conditions of the Settlement Agreement, the Authority reserves the right to re-open this docket.

  
Sara Kyle, Chairman

  
H. Lynn Greer, Jr., Director

  
Melvin J. Malone, Director

ATTEST:

  
K. David Waddell, Executive Secretary

# THE TENNESSEE REGULATORY AUTHORITY

## AT NASHVILLE, TENNESSEE

IN RE:	)		
	)		
ALLEGED VIOLATIONS OF TENN.	)	DO-NOT-CALL	T01-00533
CODE ANN. §65-4-401 <i>et seq.</i> , DO-NOT-	)	PROGRAM	
CALL SALES SOLICITATION LAW,	)	FILE NUMBER	
AND RULES OF TENNESSEE	)		
REGULATORY AUTHORITY, CHAPTER	)		
1220-4-11, BY:	)		
Gannett Satellite Information Network, Inc.	)		
d/b/a THE TENNESSEAN	)		
	)		
	)		

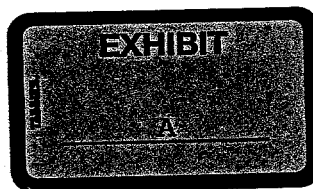
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### SETTLEMENT AGREEMENT

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This Settlement Agreement has been entered into between the Consumer Services Division ("CSD") of the Tennessee Regulatory Authority ("TRA") and Gannett Satellite Information Network, Inc. d/b/a THE TENNESSEAN ("The TENNESSEAN") and is subject to the approval of the Directors of the TRA. The TENNESSEAN, a company employing approximately fourteen hundred (1,400) workers, is located in Nashville, Tennessee. The TENNESSEAN has been registered with the TRA as a telephone solicitor since May 16, 2000, and obtains a monthly copy of the Do-Not-Call Register.

This Settlement Agreement pertains to one (1) complaint received by the CSD alleging that The TENNESSEAN violated the Tennessee Do-Not-Call Telephone Sales Solicitation law, TENN. CODE ANN. § 65-4-404, and TENN. COMP. R. & REGS. 1220-4-11.07(1), by knowingly making or causing to be made telephone sales solicitation calls to a residential subscriber in this state who had given timely and proper notice to the TRA of their objection to receiving



telephone solicitations. The complaint, which was filed with the CSD on September 7, 2001, alleges that on August 28, 2001, agents of The TENNESSEAN made a telephone sales solicitation call to the complainant, a residential subscriber in this state, who was properly registered on the Tennessee Do-Not-Call list.<sup>1</sup> In addition, the complaint asserts that in prior calls the complainant had informed employees of The TENNESSEAN that she was listed on the Tennessee Do-Not-Call Register and after one such call she had contacted The TENNESSEAN to request her inclusion on its internal DO-NOT-CALL list. The CSD provided The TENNESSEAN with notice of this complaint on September 10, 2001.

TENN. CODE ANN. § 65-4-405(f) authorizes the TRA to assess penalties for violations of the Tennessee Do-Not-Call statutes, including the issuance of a cease and desist order and the imposition of a civil penalty of up to a maximum of two thousand dollars (\$2,000) for each knowing violation. The maximum fine faced by The TENNESSEAN in this proceeding is two thousand dollars (\$2,000). CSD relied upon the factors stated in TENN. CODE ANN. § 65-4-116(b) during the negotiations, which resulted in this agreement, including The TENNESSEAN's size, financial status, good faith and the gravity of the violation.

In an effort to resolve this complaint, represented by the file number above, CSD and The TENNESSEAN agree to settle this complaint based upon the following acknowledgements and terms subject to approval by the Directors of the TRA:

1. The TENNESSEAN admits that the complaint against it is a true and valid complaint and in violation of TENN. CODE ANN. §65-4-404 and TENN. COMP. R. & REGS. 1220-4-11.07(1).
2. After receiving notice of the complaint that is the subject of this agreement, The TENNESSEAN acted in a cooperative manner by contacting CSD and expressing an interest

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<sup>1</sup> Complainant has been listed on the Tennessee Do-Not-Call Register since August 1, 2000.

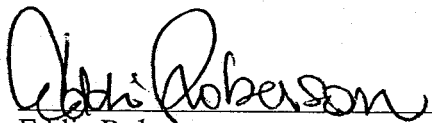
in settling the complaint. The TENNESSEAN also proposed methods for preventing future violations of TENN. CODE ANN. § 65-4-404 and TENN. COMP. R. & REGS. 1220-4-11.07(1).

3. The TENNESSEAN agrees to a settlement payment of two thousand dollars (\$2,000.00) for this complaint as authorized by TENN. CODE ANN. §65-4-405(f), and agrees to remit the amount of two thousand dollars (\$2,000.00) to the TRA within thirty (30) days of the date the Directors of the TRA approve this Settlement Agreement.<sup>2</sup> Upon payment of the amount of two thousand dollars (\$2,000.00) in compliance with the terms and conditions of this Settlement Agreement, The TENNESSEAN is excused from further proceedings in this matter.
4. The TENNESSEAN agrees to comply with all provisions of The Tennessee Do-Not-Call Telephone Sales Solicitation law and regulations.
5. The TENNESSEAN agrees that a company representative will attend the Authority Conference at which time this Settlement Agreement is considered by the Directors for approval.
6. In the event of any failure on the part of The TENNESSEAN to comply with the terms and conditions of this agreement, The Authority reserves the right to re-open this docket for the

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<sup>2</sup> The payment may be made in the form of a check, payable to the Tennessee Regulatory Authority, sent to 460 James Robertson Parkway, Nashville Tennessee 37243, referencing TRA Docket Number 01-00876.

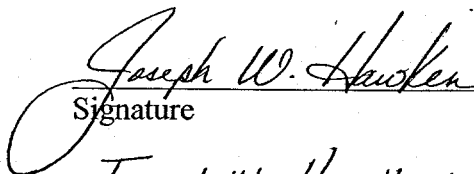
purpose of securing compliance and enforcing the Settlement Agreement. Any costs incurred in enforcing the Settlement Agreement shall be paid by The TENNESSEAN.



Eddie Roberson  
Chief, Consumer Services Division  
Tennessee Regulatory Authority

10-25-01

Date



Signature

JOSEPH W. HAWKEN

Print Name

FINANCE DIRECTOR

Print Title

Gannett Satellite Information Network, Inc.  
dba The TENNESSEAN

10-24-01

Date